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Summary

11. (C) Fiji interim Prime Minister Bainimarama, currently in India, has issued a decree reforming the Great Council of Chiefs, putting himself in control of yet another institution. The move has generated heated reactions at all levels of the ethnic-Fijian community. Bainimarama's recent effort, with interim Finance Minister Chaudhry, to address "land use" issues is another hot topic. On the other hand, the interim government (IG) has recently given indications it is moving forward to prepare for March 2009 elections, though some evidence remains worrisome. Tonga PM Sevele believes Bainimarama will uphold his elections pledge and urges donors to pat Frank on the back and assist. On the judicial front, the IG has banned an International Bar Association team from visiting Fiji, and the Acting Chief Justice has suspended all foreign donor assistance to the judiciary. We comment that pressures in Fiji have definitely risen in recent weeks. It appears Bainimarama still calculates he has the upper hand and, to date, he has calculated accurately. Embassy Suva remains alert to developments. End summary.

Gutting the GCC: Bainimarama rules

12. (U) Interim PM Bainimarama is in India for medical consultations. He is due back in Fiji on Friday, Feb. 22. In his absence, the official interim government (IG) gazette issued new Great Council of Chiefs (GCC) regulations on Feb. 13 under Bainimarama's signature. The regulations have created a firestorm in the ethnic-Fijian community. Late last year, the IG commissioned five high chiefs to consult with their colleagues and put together a new-look GCC to replace the old GCC that Bainimarama suspended last April after that GCC declined to endorse Bainimarama's choice of interim Foreign Minister Nailatikau to be Vice President. The chiefly commission proposed that the new GCC be apolitical; but the new decree installs Bainimarama as GCC Chair and give him final say over all the other members. The new regs include restrictions that exclude most anyone who has taken an active role in political life since 2000 and that give the chair sole discretion in creating the GCC agenda.

Chiefs issue strong warnings

13. (U) The leader of the GCC chiefly commission has acknowledged publicly that the new regulations do not conform with what chiefs agreed to, in particular the need for the GCC not to be led by senior political figures like Bainimarama. Ro Tememu Kepa, one of Fiji's three highest chiefs and a minister in the deposed Qarase Government, has accused Bainimarama of creating a sham GCC that will do his bidding on future President and Vice President nominees. Kepa has asked publicly how senior military officers (nearly all of whom are ethnic Fijian) can "just sit back when Fijian institutions and the very heart of the Fijian structure are being targeted." Comment: That sounds like fomenting mutiny.
End comment.

"Land" another potential flash point

14. (C) The GCC shocker comes atop a controversy about another supreme ethnic-Fijian interest: "land." Bainimarama and interim Finance Minister Chaudhry announced several weeks ago the creation of an IG commission to consider how land use in Fiji might be improved. Most land is communally owned by ethnic-Fijian grassroots communities and is managed by the Native Lands Trust Board. The NLTB has had many legitimate critics, and its land policies have managed to frustrate both ethnic-Indian tenants (mostly in sugar-cane farming) and ethnic-Fijian lessors. Indians have wanted long leases with easy renewal; the Fijians have wanted higher rents that flow to the villages. During the past ten years, quite a number of sugar-cane leases have expired with Fijian lessors taking the land back. Chaudhry, whose political base is sugar farmers, wants to resuscitate that industry, in part by freeing up long-term land "use." He argues that actual,

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underlying land ownership would remain with Fijians, so there should be no problem. Ethnic-Fijians do not trust Chaudhry, and in fact his efforts in 2000 to address "land use" were a contributing factor to the 2000 coup.

"A catastrophic mistake"

15. (C) One of Fiji's highest chiefs, the Ka Levu, has labeled the combined Bainimarama/Chaudhry effort to address "land" again as "a catastrophic mistake," and he has urged "a high degree of caution" on the IG. Several other high chiefs and former PM Rabuka have also flagged that IG dabbling in the land issue is playing with fire. To ethnic Fijians, land is far more than an economic commodity, it is deeply cultural. That reality can frustrate economic-development goals; but the Ka Levu proposed this week that, as Fijians asked colonial Europeans, "we ask the same of everyone now, that they adapt to Fiji rather than asking that Fiji adapt to them."

Positive signs re election preparations?

16. (C) On perhaps a brighter note, the IG's attitude regarding preparations for March 2009 elections seems to have become more forthcoming in recent days. For several months, the Pacific Islands Forum-Fiji Working Group for election preparations had made little progress. Necessary elections-related positions were slow to be filled; nuts and bolts steps were not happening; and, when queried by the PIF and other donors, the IG seemed uninterested in seeking help.

But in the last few weeks that atmosphere changed. Two persons were named to the Constitutional Offices Commission, permitting the COC to conduct interviews for a Supervisor of Elections. DVC interviews with 4 candidates from Australia, 3 from New Zealand, and 1 from South Africa, are commencing. The Elections Commission and the Election Boundaries Commission seem to have begun necessary work. In a Fiji-donor consultative group, the IG has begun to indicate steps donors might take to assist election plans.

Will of IG: elections in March 2009

¶ 7. (C) In a meeting with the diplomatic corps on Feb. 13, the IG's senior point man on election matters, the PermSec for Justice (a seconded military colonel) stated categorically: "It is the will of the interim government to return to elections in March 2009, and there are no alternate dates." He added that the IG's People's Charter process is proceeding as well, and the IG intends for that process to conclude prior to elections; but the two processes are "independent and will not affect each other." The PermSec expressed confidence that, while the timetable has fallen a bit behind the initial forecast, all necessary preparations can still be completed for March 2009 elections.

But not all themes harmonize

¶ 8. (C) While such words are encouraging, discordant themes still arise. The IG's head of the Elections Commission, a lawyer with behind-the-scenes ties to Chaudhry, suggested in a TV interview last week that it is the Commission, and not Bainimarama's IG, that will determine just how quickly Fiji can be ready for elections. In the same interview, when asked if the IG could keep candidates (like deposed PM Qarase) from running for parliament, the lawyer hedged, even while acknowledging the Fiji Constitution's clear provision that most anyone who is not a bankrupt can be a candidate.

IG, People's Charter, and free elections

¶ 9. (C) The National Commission for Building a Better Fiji (NCBBF, the People's Charter process), has set up a series of working groups to consider Fiji's future in detail. Interestingly, a starry-eyed participant who has been active for nearly a year in developing the process, assured us recently that concluding in timely fashion is no problem because "in reality the People's Charter is already written; it just needs to be blessed." In a newspaper interview, John Samy, the former ADB official who is the brains behind the NCBBF, hinted that regulations on "electoral corruption" which the interim AG is formulating will address the issue of whether Qarase and his ilk can be candidates. Samy predicted that all parties participating in the elections will include

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the People's Charter prominently in their manifestos, and that the People's Charter, once approved by a planned referendum, will "have moral and indeed legal force on future governments." Comment: Since Qarase's SDL Party, the National Federation Party, and the Methodist Church are taking no part in the NCBBF, it is difficult to read Samy's predictions as anything other than a preview of some sort of "election regulation" process to screen out all those who do not subscribe to the IG's vision.

Tonga PM Sevele's view of Fiji

¶ 10. (C) When Tonga PM Sevele visited Suva Jan. 25, he met with Bainimarama and others. Later in Nuku'alofa, Sevele stressed to us his view that the international community should accept Bainimarama's promise at last October's PIF meeting that the IG will ensure acceptable elections in March 2009. Sevele is convinced "that will happen." Given Bainimarama's assurance, "sniping is not helpful." Polynesians "resent a lack of trust." We pointed out that Bainimarama has not conveyed a consistent message since October, and the IG has not consistently facilitated preparations for a free and fair process open to all with assurance that the Fiji military will abide by the results. Sevele responded, "Well, Frank isn't really a politician." We suggested that as a reason why he should go back to the barracks. Sevele informed us that PIF interest in sending a second Eminent Persons Group to assess the Fiji situation was rejected by the IG. However, a PIF Foreign Ministers meeting to follow up on last October's Fiji discussions is to take place in New Zealand in March.

Judicial politics remain heated

¶11. (C) Per reftels, the IG's judiciary is being pressured from all sides. In the end, plans by the International Bar Association to send a mission to Fiji (ref A) were thwarted when interim AG Sayed-Khaiyum issued a "no entry" order last weekend. The IBA has "suspended" its visit plans, as the Fiji Law Society attempts to get the IG to be more receptive.

The ban of the IBA has raised eyebrows among lawyers and judges internationally, including in Australia, New Zealand, and Malaysia. Four Australian justices arrived in Suva last weekend to convene the Fiji Supreme Court, the first such sitting since the coup. We hear the justices were discussing how to try to keep Acting CJ Gates from participating. We hear indirectly that Gates, who received his "acting" position by seemingly illegal means, has decided he will not participate in this Supreme Court session. Gates has decreed that all foreign assistance to the Fiji judiciary is suspended, and all future assistance must funnel through Gates's office. The IG alleges that AUSAid, NZAid, UN, World Bank and other donors have favored particular judges, seeking to "divide the judiciary," thereby threatening its independence.

Comment

¶12. (C) The political temperature has clearly risen in Fiji, in particular within the ethnic-Fijian community because of the GCC and land issues. Ethnic-Indian entrepreneurs are grumbling, too, believing the IG, and Chaudhry in particular, are "anti-business." We have spoken with several prominent Fiji businessmen who have scrapped investment plans. The Fiji Water dispute with Fiji Customs (ref C) has added to the gloom, as has a similar Customs dispute with Fiji's lone gold mine. Reports continue of some degree of unhappiness within the Fiji military, reportedly directed at Bainimarama's reliance on Chaudhry for advice. Thus far, though, we have not seen firm evidence that any of the current pressures will result in overt instability. Presumably, Bainimarama has calculated he retains control of the guns and through that has the capacity to force the ethnic-Fijian community to accept his vision of reform. We remain alert.

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